

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/935,904
		Filing Date	August 23, 2001
		First Named Inventor	William C. Schuh
		Art Unit	1761
		Examiner Name	Timothy F. Simone
Total Number of Pages in This Submission	17	Attorney Docket Number	7377-000103

### ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Part B - Fees Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Explanatory Letter w/5 attachments
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<b>Check for \$70 Postcard</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

#### Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name David L. Howard	Reg. No. 41,502
Signature			
Date	January 12, 2005		

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	David L. Howard	Express Mail Label No.	EV 327051106 US
Signature		Date	January 12, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV-327051106 US



OPEN  
JAN 12 2005  
PATENT & TRADEMARK OFFICE  
606

David L. Howard  
Direct Dial: (314) 726-7644  
dhoward@hdp.com

January 12, 2005

Mail Stop ISSUE FEE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Re: Application No.: 09/936,904  
Applicant: William C. Schuh  
Entitled: SYSTEM AND METHOD OF LEAVENING WITH CARBON DIOXIDE  
MONITORING  
Attorney Docket No: 7377-000103

Dear Sir:

On April 5, 2004, we received a Notice of Allowance and Fees Due in connection with the above-referenced patent application (copy attached).

On July 1, 2004, Part B – Fee Transmittal and a check (check # 3880) in the amount of \$1,630.00 was filed with the US Patent and Trademark office. This check cleared the account on July 12, 2004 (copy attached).

However, in June 2004 the Examiner withdrew the allowance for this application and another Office action issued. Applicant received notice that the referenced application was withdrawn (copy attached) after the above payment had been filed.

Applicant did not request that this fee be refunded or applied to a deposit account as provided for by the instruction letter received with the notice of withdrawal of allowance.

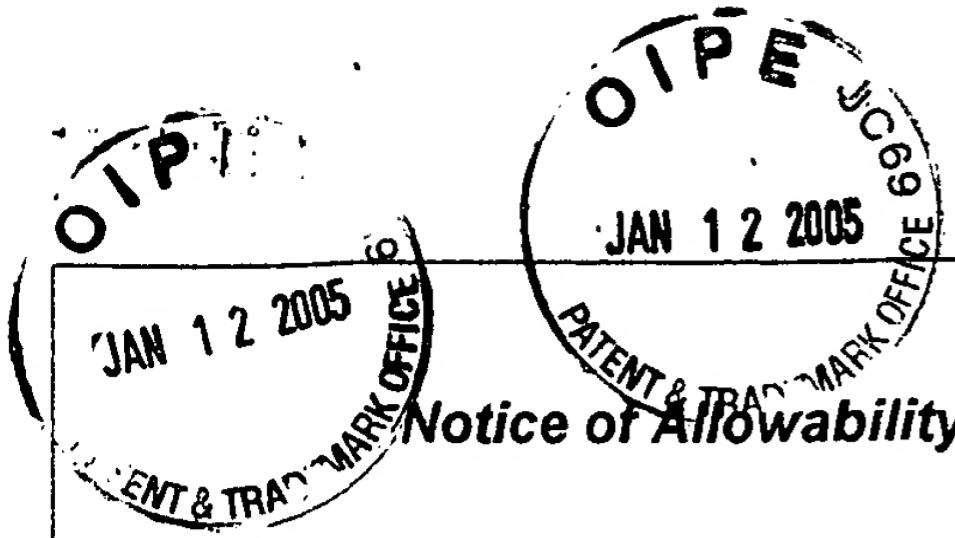
On December 21, 2004, the USPTO sent a second Notice of Allowance and Fees Due, reflecting a total fee due of \$1700.00.

As such, Applicant requests that the previously paid issue fee payment of \$1630 be applied to the current required Issue Fee payment (herein enclosed). As such, the balance of the funds due in this regard is \$70, a check for which is attached herein along with the Second Part B-Fees Transmittal.

If more information is needed, please call me at the direct line listed above. Your assistance with this matter is appreciated.

Yours very truly,

David L. Howard



JAN 12 2005	PATENT & TRADEMARK OFFICE	Notice of Allowability	Application No.	Applicant(s)
			09/935,904	SCHUH, WILLIAM C.
			Examiner	Art Unit
			Timothy F. Simone	1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment, filed November 17, 2004.
2.  The allowed claim(s) is/are 1,4-8,12-18 and 22-27.
3.  The drawings filed on 01 January 0823 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some\*    c)  None    of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

Attachment(s)

- 1.  Notice of References Cited (PTO-892)
- 2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
- 4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
- 5.  Notice of Informal Patent Application (PTO-152)
- 6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
- 7.  Examiner's Amendment/Comment
- 8.  Examiner's Statement of Reasons for Allowance
- 9.  Other \_\_\_\_\_

Timothy F. Simone  
Primary Examiner  
Art Unit: 1761



JAN 12 2005

Applicant:	William C. Schuh	Client Matter #	7377-000103
Serial/Patent #	09/935,904	Filing/Issue Date	8/23/2001
Title:	System and Method of Leavening With Carbon Dioxide Monitoring		

Please acknowledge receipt of:

Part B - Fee(s) Transmittal (1 page);  
Copy of Revocation of Power of Attorney with New  
Power of Attorney and Change of Correspondence  
Address filed 6/28/2004 (1 page); and  
Copy of Statement Under 37 CFR 3.73(b) filed 6/28/04 (1 page); and  
Check in the amount of \$1,630.00.

Express Mail Label No. EV 404052959 US

By stamping and returning to Harness, Dickey &amp; Pierce, P.L.C.

USPTO Date Stamp

Mailed: July 1, 2004

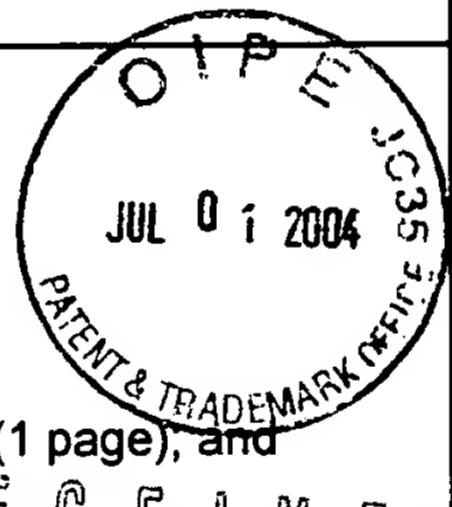
Attorney: DLH/KKB/lds

Applicant:	William C. Schuh	Client Matter #	7377-000103
Serial/Patent #	09/935,904	Filing/Issue Date	8/23/2001
Title:	System and Method of Leavening With Carbon Dioxide Monitoring		

Please acknowledge receipt of:

Part B - Fee(s) Transmittal (1 page);  
Copy of Revocation of Power of Attorney with New  
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Address filed 6/28/2004 (1 page); and  
Copy of Statement Under 37 CFR 3.73(b) filed 6/28/04 (1 page); and  
Check in the amount of \$1,630.00.

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JUL 09 2004

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By stamping and returning to Harness, Dickey &amp; Pierce, P.L.C.

HARNESS, DICKY &amp; PIERCE

USPTO Date Stamp

Mailed: July 1, 2004

Attorney: DLH/KKB/lds

3880

HARNESS, DICKEY & PIERCE, P.L.C.  
ST. LOUIS OFFICE

Vendor Number: 9000001

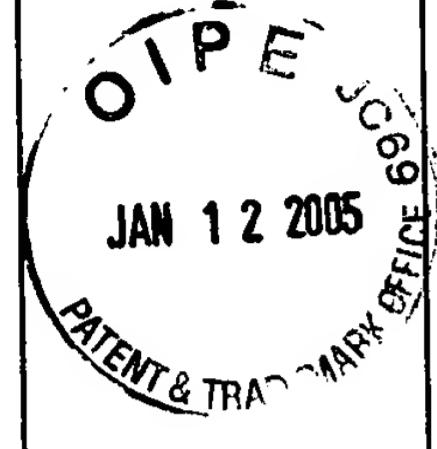
Vendor Name: DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Check Number 3880

Check Date 06/29/2004

KKB

VOUCHER	INVOICE	DATE	INVOICE AMT	COMMENTS	G/L ACCT	AMOUNT
60114	3880.S	06/29/2004	1,630.00	Issue and Publication Fee	01200500000000	1,630.00



WLCK-8511-1BP

THE RELIANCE GROUP OF MICHIGAN 248-478-6620

TOTAL

1,630.00

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## HARNESS, DICKEY &amp; PIERCE, P.L.C.

ATTORNEYS AND COUNSELORS

GENERAL ACCOUNT

7700 BONHOMME SUITE 400  
ST. LOUIS, MO 63105MISSOURI STATE BANK & TRUST  
ST. LOUIS, MISSOURI

3880

4-171/810.

PAY: ONE THOUSAND SIX HUNDRED THIRTY AND 00/100 DOLLARS

NUMBER	DATE	AMOUNT
3880	06/29/2004	\$*****1,630.00

TO THE  
ORDER  
OF

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

Dan [Signature]

MP  
AUTHORIZED SIGNATURES

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

003880 0810017140

8303893



HARNESS, DICKY & PRICE, PLC. ATTORNEYS AND COUNSELORS GENERAL AGENT		3880
THE UNITED STATES ST. LOUIS, MO 63101		PHONE
ONE THOUSAND EIGHT HUNDRED FORTY AND SEVEN DOLLARS		AMOUNT
NAME	DATE	REASON
WILLIE	06/06/04	SEARCH
DIRECTION OF THE U.S. PATENT AND TRADEMARK OFFICE		
TO THE COURT OR EV 404052959 US		
RECORDED 06/10/2004 030 MAFR 000001630000		

Ck# 3880 Date 07/12/04 Amt \$1,630.00



UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

In re Application of  
William C. Schuh  
Serial Number : 09/935,904 : WITHDRAWAL  
Filed : August 23, 2001 : FROM  
For : SYSTEM AND METHOD OF : ISSUE  
LEAVENING WITH CARBON DIOXIDE  
MONITORING :

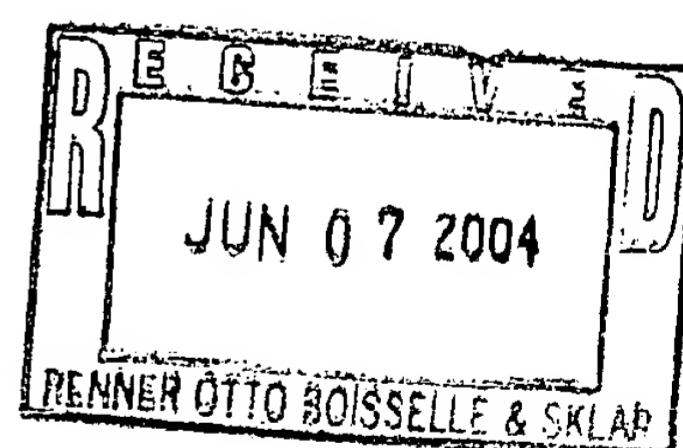
The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action.

JMS  
Jacqueline M. Stone, Director  
Technology Center 1700  
Chemical and Materials Engineering



RENNER, OTTO, BOISELLE & SKLAR, LLP  
1621 Euclid Avenue  
Nineteenth Floor  
Cleveland, OH 44115

cc:Allowed Files, Pk3-915

